

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**In re HERALD, PRIMEO AND THEMA  
FUNDS SECURITIES LITIGATION** : Civil Action No. 09 Civ. 0289 (RMB)

**This Document Relates To:**

## ALL ACTIONS.

NOTICE OF MOTION TO ADMIT COUNSEL, JAMES I. JACONETTE, *PRO HAC VICE*

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TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that upon the annexed Declaration of David A. Rosenfeld in support of this motion and the Certificate of Good Standing annexed hereto, we will move this Court before the Honorable Richard M. Berman at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an order allowing the admission of James I. Jaconette, a member of the law firm of Robbins Geller Rudman & Dowd LLP, 655 West Broadway, Suite 1900, San Diego, California 92101, 619/231-1058 and a member in good standing of the bar of the State of California, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against this applicant in any state or federal court.

DATED: June 29, 2011

ROBBINS GELLER RUDMAN  
& DOWD LLP  
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DAVID A. ROSENFELD



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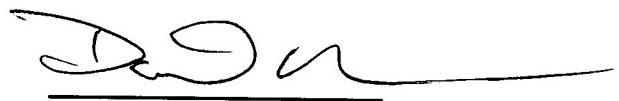
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I, David A. Rosenfeld, hereby certify that on June 29th, 2011, I caused a true and correct copy of the attached:

Notice of Motion to Admit Counsel, James I. Jaconette, *Pro Hac Vice*; and  
Declaration of David A. Rosenfeld in Support of Motion to Admit Counsel, James I. Jaconette, *Pro Hac Vice*

to be served by first-class mail to all counsel on the attached service list.



\_\_\_\_\_  
David A. Rosenfeld

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# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

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TELEPHONE: 888-800-3400

## CERTIFICATE OF STANDING

June 22, 2011

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, JAMES IAN JACONETTE, #179565 was admitted to the practice of law in this state by the Supreme Court of California on December 6, 1995; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA



Kath Lambert  
Custodian of Membership Records

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**In re HERALD, PRIMEO AND THEMA  
FUNDS SECURITIES LITIGATION** : Civil Action No. 09 Civ. 0289 (RMB)

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This Document Relates To: : :

**ALL ACTIONS.** : :

DECLARATION OF DAVID A. ROSENFELD IN SUPPORT OF MOTION TO ADMIT  
COUNSEL, JAMES I. JACONETTE, *PRO HAC VICE*

DAVID A. ROSENFELD, declares, under penalty of perjury:

1. I am a member of Robbins Geller Rudman & Dowd LLP, counsel for Lead Plaintiff in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Lead Plaintiff's motion to admit James I. Jaconette as counsel *pro hac vice* to represent Lead Plaintiff in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1999. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known James I. Jaconette since 2004.

4. James I. Jaconette is a partner of Robbins Geller Rudman & Dowd LLP, in San Diego, California.

5. I have found Mr. Jaconette to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of James I. Jaconette, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of James I. Jaconette, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit James I. Jaconette, *pro hac vice*, to represent Lead Plaintiff in the above-captioned matter, be granted.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of June, 2011, at Melville, New York.



DAVID A. ROSENFELD

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**In re HERALD, PRIMEO AND THEMA  
FUNDS SECURITIES LITIGATION** : x Civil Action No. 09 Civ. 0289 (RMB)

## This Document Relates To:

## ALL ACTIONS.

**ORDER FOR ADMISSION *PRO HAC VICE***

IT IS HEREBY ORDERED that James I. Jaconette of Robbins Geller Rudman & Dowd LLP, 655 West Broadway, Suite 1900, San Diego, California, telephone number 619/231-1058, fax number 619/231-7423, email address jamesj@rgrlaw.com, is hereby admitted to practice *pro hac vice* as counsel for Lead Plaintiff in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

DATED: \_\_\_\_\_

THE HONORABLE RICHARD M. BERMAN  
UNITED STATES DISTRICT JUDGE